

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KRAFT FOODS GLOBAL, INC., THE)
KELLOGG COMPANY, GENERAL)
MILLS, INC., and NESTLÉ USA, INC.,)
)
Plaintiffs,) No. 1:11-cv-08808
)
v.) Judge Steven C. Seeger
)
UNITED EGG PRODUCERS, INC.,)
UNITED STATES EGG MARKETERS,)
INC., CAL-MAINE FOODS, INC., and)
ROSE ACRE FARMS, INC.)
)
Defendants.)
)

PLAINTIFFS' MOTION TO FILE UNDER SEAL

Plaintiffs respectfully move the Court for leave to file certain exhibits attached to Plaintiffs' Motion in Limine to Admit Business Records Pursuant to Federal Rules of Evidence 803(6) and 902(11); and Motion for Permission to Submit Data in Native Format (the "Motion") under seal, pursuant to Federal Rule of Civil Procedure 26(c) and Local Rule 26.2. In support of this Motion, Plaintiffs state as follows:

1. Exhibits A and B to Plaintiffs' Motion, filed today, attach as exhibits documents and information that Plaintiffs designated as confidential or highly confidential at an earlier stage of the case. Accordingly, under the Protective Order in this Case, Case Management Order No. 10 (Protective Order), and pursuant to Local Rule 26.2(c), Plaintiffs have provisionally filed Exhibits A and B to the Motion under seal.

2. Plaintiffs plan to use the exhibits contained in Exhibits A and B to the Motion at trial, and thus anticipate they will become public once introduced at trial. However, Plaintiffs submit them under seal here out of an abundance of caution based on their present designations.

3. As the Seventh Circuit has recognized, a Court may keep documents or portions thereof under seal if “there is good cause for sealing a part or the whole of the record.” *Citizens First Nat'l Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 945 (7th Cir. 1999); *see also* Local Rule 26.2(b) (applying “good cause” standard). Accordingly, the Court may seal filings if there are “legitimate concerns of confidentiality,” *Grove Fresh Dist., Inc. v. Everfresh Juice Co.*, 24 F.3d 893, 898 (7th Cir. 1994), such as where the information in question “meet[s] the definition of trade secrets or other categories of bona fide long-term confidentiality,” *Baxter Intern., Inc. v. Abbott Labs.*, 297 F.3d 544, 545 (7th Cir. 2002).

4. Here, Plaintiffs have designated information contained in the exhibits to the Motion as confidential or highly confidential. Under the Protective Order, Plaintiffs are permitted to file these materials under seal in any court filing. This gives good cause to file Exhibits A and B to the Motion under seal.

WHEREFORE, Plaintiffs respectfully request the Court enter an order granting it leave to file Exhibits A and B to Plaintiffs' Motion under seal.

October 6, 2023

Respectfully submitted,

***Counsel for Plaintiffs Kraft Foods Global, Inc.,
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Kellogg Company***

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